

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

BRUCE HOWELL	§	
	§	
V.	§	NO 1:05-CV-234
	§	
CHRISTUS HEALTH SOUTHEAST	§	
TEXAS d/b/a Christus St. Elizabeth	§	
Hospital	§	

ORDER DENYING MOTION FOR SUMMARY JUDGMENT

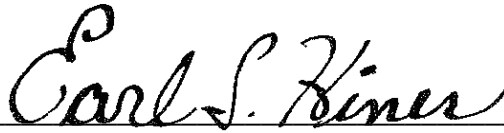
Defendant's motion for summary judgment argues that plaintiff's evidence fails to raise a genuine issue of material fact on an essential element of plaintiff's cause of action, in that no evidence establishes that defendant's alleged failure to provide an adequate medical screening was a proximate cause of Wendy Howell's death which occurred 32 days after her visit to the defendant's hospital.

After considering defendant's motion, the plaintiff's response and the parties' views related to the court at a final pretrial conference on February 13, 2006, the court finds there to be a genuine issue of material fact on the issue of proximate causation. Plaintiff produces admissible evidence that on the day Wendy Howell entered defendant's hospital, she exhibited classic and readily detectible signs and symptoms of a cerebral aneurysm that could have been treated by surgical or interventional therapy. Further, plaintiff has produced evidence that a person using

ordinary care would foresee that death or serious injury might result from absence of such treatment. It is therefore

ORDERED that defendant's motion for summary judgment (Docket No. 17) is **DENIED**.

SIGNED this 23 day of February, 2006.

A handwritten signature in black ink, reading "Earl S. Hines", written over a horizontal line.

Earl S. Hines
United States Magistrate Judge